

BEFORE THE IOWA BOARD OF PHARMACY

RE: Pharmacy License of WALGREENS PHARMACY 10070 License No. 1323 Respondent	CASE NO. 2018-0031 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER
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COME NOW the Iowa Board of Pharmacy ("Board") and Walgreens Pharmacy 10770 ("Respondent"), 105 E 5th St, Carroll IA 51401, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of these cases pursuant to Iowa Code chapters 17A, 155A, and 272C (2018), and 657 IAC 36.

A. STATEMENT OF CHARGES

COUNT I

FAILING TO MAINTAIN ACCOUNTABILITY OF CONTROLLED SUBSTANCES

1. Respondent is charged with failing to maintain ultimate accountability of controlled substances and records as required by 657 IAC 10.14, and may be disciplined pursuant to Iowa Code section 155A.15(2)(c) and 657 IAC 36.6(21).

B. FACTUAL CIRCUMSTANCES

2. Respondent's pharmacy license is currently active through December 31, 2019.
3. In February 2018, Respondent reported a loss of 880 tablets of tramadol, which was attributed to employee pilferage.
4. A Board compliance officer audited Respondent in regards to four randomly selected controlled substances for the time period of June 10, 2017 to June 9, 2018.
5. The audit revealed a shortage of 509 tablets of alprazolam 0.5 mg for the time period audited, which Respondent subsequently determined should have been an overage of 78 tablets.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

6. The Board has jurisdiction over the parties and the subject matter of this proceeding.
7. Respondent denies the allegations set forth in the Statement of Charges and in the Factual

Circumstances, but Respondent acknowledges, for the purpose of settlement, that the Statement of Charges, if proven in a contested case hearing, may constitute grounds for the discipline agreed to in this Order.

8. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

9. Respondent acknowledges that it has the right to be represented by counsel on this matter.

10. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

11. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

12. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

13. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

14. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

15. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

16. Respondent is hereby **CITED** for failing to comply with 657 IAC 10.14, and **WARNED** that future violations of the laws and rules governing pharmacies could result in further disciplinary action.

17. Within thirty (30) days of this Order, Respondent shall pay a civil penalty in the amount of one thousand five hundred dollars (\$1,500). The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th St, Ste E, Des Moines IA 50309.

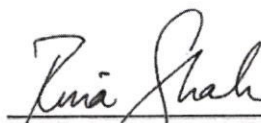
18. Respondent shall continue to maintain tramadol 50 mg and alprazolam 0.5 mg in its perpetual inventory through July 1, 2020. If there are any significant losses of other controlled substances, Respondent agrees to add those products to its perpetual inventory for the time period through July 1, 2020.

19. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 155A and 272C and 657 IAC 36.

By the signature below, Rina Shah acknowledges s/he is the GVP, Pharmacy Operations for Respondent and is authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

07/01/2019

Date



WALGREENS PHARMACY 10770

Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on July 9th, 2019.



Chairperson

Iowa Board of Pharmacy